

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION**

Civil Action No.: 9:18-cv-2873-RMG

Rita Davis,

Plaintiff,

vs.

Hampton Regional Medical Center and South
Carolina Association of Counties,

Defendants.

NOTICE OF REMOVAL

**TO: THE HONORABLE UNITED STATES DISTRICT JUDGE OF THE UNITED
STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA,
BEAUFORT DIVISION:**

Defendant Hampton Regional Medical Center (“Hampton Regional Medical Center”), pursuant to 28 U.S.C. §§ 1331, 1441(a) and 1446(a), (b), and (d), hereby gives notice of its removal of the above-captioned case from the South Carolina Court of Common Pleas for Hampton County to the United States District Court for the District of South Carolina, Beaufort Division. The grounds for the removal are as follows:

1. A civil action is now pending in the Court of Common Pleas for Hampton County, South Carolina, bearing the case name as captioned above with Docket No. 2018-CP-25-00365. The action was filed on September 24, 2018. Hampton County Regional Medical Center was served on October 1, 2018. Defendant South Carolina Association of Counties was served on October 2, 2018, and consents to removal of this action.

2. Federal question jurisdiction is presented on the face of Plaintiff's Complaint. On the fourth unnumbered page of Plaintiff's Complaint, paragraphs 22-26, Plaintiff asserts claims pursuant to the Fair Debt Collection Practices Act, codified at 15 U.S.C. § 1692, *et seq.* Further, on the seventh unnumbered page of Plaintiff's Complaint, paragraph 45, Plaintiff alleges that garnishment of her wages failed to satisfy her due process right pursuant to the Fifth and Fourteenth Amendments to the United States Constitution and, therefore, constituted an unconstitutional taking.

3. This Court has original jurisdiction over this matter pursuant to the Fifth and Fourteenth Amendments to the United States Constitution, 15 U.S.C. § 1692, *et seq.*, and pursuant to its federal question jurisdiction pursuant to 28 U.S.C. § 1331.

4. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is filed within 30 days after Defendant was served with the Summons and Complaint.

5. As required by 28 U.S.C. § 1446(a), true and correct copies of all process, pleadings, and orders served upon Defendant are attached hereto and are incorporated herein by reference. (See Exhibit A.)

6. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served on Plaintiff, and filed with the South Carolina Court of Common Pleas for Hampton County.

7. Defendant also requests that this Court exercise supplemental jurisdiction over all pendant state claims that are brought or may arise, pursuant to 28 U.S.C. §§ 1367 and 1441(c).

8. Defendant reserves the right to amend or supplement this Notice of Removal.

WHEREFORE, Defendant prays that this Notice of Removal be accepted as sufficient for removal of this action to this Court and that this Court retain jurisdiction of this action.

TURNER, PADGET, GRAHAM & LANEY, P.A.

s/John S. Wilkerson, III

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October 23, 2018